Brand TLD Designation Application for .グーグル

Internet Corporation for Assigned Names and Numbers ("ICANN")
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
Attention: New gTLD Program Staff

RE: Application for Brand TLD Designation

Charleston Road Registry Inc. ("Registry Operator"), in connection with the execution of the Registry Agreement for the .グーグル TLD (the "Registry Agreement"), hereby applies for the .グーグル TLD (Application ID: [redacted]) to be qualified by ICANN as a Brand TLD.

Registry Operator confirms and represents to ICANN that the TLD meets each of the criteria for the TLD to be qualified as a Brand TLD, as described in the Brand TLD Application Process and Specification 13 attached thereto, and that all supplemental material accompanying this application is accurate and not misleading in any respect. Registry Operator also represents that the trademark registration attached hereto as Exhibit A and the registration policies attached hereto as Exhibit B are complete and accurate copies of the official trademark registration and Registry Operator's registration policies for the TLD, respectively.

Registry Operator also submits detailed information, including particular evidence, attached hereto as Exhibits C-D, supporting the TLD's satisfaction of the Brand TLD criteria set forth below.

i. **TLD and Trademark Identity.** The .グーグル TLD string is identical to the textual elements protected by Japanese Trademark Registration for .グーグル (the "グーグル mark"). See Exhibit A. In Japan, a trademark may consist of any character(s), figure(s), sign(s) or three-dimensional shape(s), or any combination thereof, without claim to any particular font style, size, or color and thus consist only of textual elements, which in this case is .グーグル. See Japanese Trademark Act Art. 2.5(3).

   a. **Trademark Clearinghouse Entry.** Registry Operator's Affiliate Google Inc. owns and recorded the .グーグル mark including proof of use with the Trademark Clearinghouse, and such proof of use was verified by the Trademark Clearinghouse. A copy of the Signed Mark Data file (ID No. [redacted]) issued by the Trademark Clearinghouse for the .グーグル mark is attached hereto as Exhibit C.
b. **Trademark Ownership.** As detailed in its new gTLD application for the .グーグル TLD, the statements and representations of which were expressly warranted as true and accurate by Registry Operator by submitting its application under the Top-Level Domain Application Terms and Conditions, Registry Operator is a wholly-owned subsidiary of Google Inc. Under the Registry Agreement, “Affiliate” means a person or entity that, directly or indirectly, through one or more intermediaries, or in combination with one or more other persons or entities, is controlled by, or is under common control with, the person or entity specified, and (ii) “control” (including the terms “controlled by” and “under common control with”) means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person or entity, whether through the ownership of securities, as trustee or executor, by serving as an employee or a member of a board of directors or equivalent governing body, by contract, by credit arrangement or otherwise. As the owner of all shares of Registry Operator, Google Inc. has the power to directly control the Registry Operator. Google Inc. is thus an Affiliate of Registry Operator, and is the owner of the Japanese trademark registration for the .グーグル mark.

c. **Registration Timing.** The trademark registration for the .グーグル mark was issued on January 18, 2008 (See Exhibit A), well before ICANN opened its new gTLD application window on January 12, 2012 and the Registry Operator submitted its TLD registry application.

d. **Continuous Trademark Use.** Registry Operator’s Affiliate Google Inc. has continuously used the .グーグル mark in connection with all of the services identified in the submitted trademark registration since at least as early as 2006, and intends to maintain such use through the Term of the Registry Agreement. Specimens showing Google Inc.’s use of the mark for the services identified in the submitted trademark registration are attached hereto as Exhibit D.

e. **No Punctuation.** The .グーグル mark does not begin with a period or dot. See Exhibits A, D.

f. **Trademark Unrelated To Registry Services.** Registry Operator’s Affiliate Google Inc. has continuously used the .グーグル mark in connection with all of the services identified in the submitted trademark registration since at least as early as 2006, and intends to maintain such use through the Term of the Registry Agreement. See Exhibits A, D. The services identified in the submitted trademark registration and supporting specimens do not reference the provision of any TLD Registry Service, as defined in Section 2.1 of Specification 6 of the Registry Agreement.
ii. **Registrants and DNS Record Control.** As detailed in its Registration Policies (See Exhibit B), only Registry Operator, its Affiliates or its Trademark Licensees are eligible to be registrants of domain names in the TLD and control the DNS records associated with domain names at any level in the TLD.

iii. **Non-Generic String.** The applied-for TLD グーグル is not a Generic String TLD as defined in Specification 11 of the Registry Agreement. As defined in Section 3(c) of Specification 11 of the Registry Agreement, “Generic String” means a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others. “グーグル” is not a general class of goods or services, but is a specific brand of goods or services offered by Google Inc. At the Japanese Patent Office, Trademark Examiners substantively analyze trademark applications to determine if they are unregistrable for being generic in relation to the applied-for goods and services. **See Japanese Trademark Act, Art. 3.** Registry Operator’s Affiliate, Google Inc., holds a presumptively valid Japanese trademark registration (Reg. No. for the グーグル mark, meaning that it is the opinion of the Japanese Patent Office that the word グーグル is not generic, and that it distinguishes a specific brand of services from the services of others.

iv. **Registration Certificate.** Registry Operator has provided ICANN with an accurate and complete copy of a Japanese trademark registration for the グーグル mark. **See Exhibit A.**

Registry Operator agrees that if Registry Operator makes any changes to its registration policies for the TLD (whether before or after this application has been approved) that may disqualify the TLD as a .Brand TLD, it will promptly provide ICANN with a complete and accurate copy of the revised registration policies. In addition, if Registry Operator fails to maintain the trademark registration underlying its .Brand TLD application, it shall promptly notify ICANN of such failure. Registry Operator also agrees to maintain the criteria required to qualify as a .Brand TLD and to immediately notify ICANN of any changes in circumstances that could alter the statements made, and supporting materials provide with, this application.

Registry Operator acknowledges and agrees that this letter is binding on Registry Operator and, if any of the foregoing representations and agreements becomes untrue or not complied with, it shall be deemed a breach of the Registry Agreement by Registry Operator, and ICANN may assert its rights under the Registry Agreement, including by determining that the TLD no longer qualifies as a .Brand TLD pursuant to the terms of Specification 13.
Questions about this request should be directed to Sarah Falvey.

Submitted by:
Position:
Dated:
Email:
Exhibit A

Trademark Registration
CERTIFICATE OF TRADEMARK REGISTRATION

REGISTRATION NUMBER: [Redacted]

THE MARK: (Standard Character)
グーグル (“GOOGLE” in Japanese katakana)

LIST OF GOODS AND SERVICES:

Cl. 9 Electronic machines, apparatus and their parts; Telecommunication machines and apparatus; Electronic publications

Cl. 38 Telecommunication (other than broadcasting); Data communication; Transmission of voice, data and graphics via computer and telecommunication network; Providing user access to a global computer network [service providers]; Electronic bulletin board services [telecommunication services] in a chatroom format; Electronic bulletin board services [telecommunication services], Electronic mail; Teleconferencing services; Communications by computer terminals; Communication by telephone; Mobile telephone communication; Providing telecommunication connections to the Internet; Communications by computer terminals for use in group interaction; Refer to the attached sheet

OWNER OF THE TRADEMARK RIGHT: [Redacted]

APPLICATION NUMBER: [Redacted]

FILING DATE: December 14, 2008

This is to certify that the trademark is registered on the register of the Japan Patent Office.

January 18, 2008

COMMISSIONER OF THE JAPAN PATENT OFFICE
Signature: [Redacted]
CERTIFICATE OF TRADEMARK REGISTRATION

REGISTRATION NUMBER : [Redacted]
APPLICATION NUMBER : [Redacted]

LIST OF GOODS AND SERVICES:

(Cl. 38) Instant messaging communication; Communication by voice over ip; Providing wireless communication connections to computer networks

Cl. 42 Providing computer software; Computer software design, computer programming, or maintenance of computer software; Providing computer programs for data mining and data analysis; creating searchable indexes of information, web sites and other information sources; search engine services; Consulting in connection with providing computer software; Consulting in connection with computer software design, computer programming, or maintenance of computer software; Consulting in connection with providing computer programs for data mining and data analysis; Consulting in connection with creating searchable indexes of information, web sites and other information sources; Consulting in connection with search engine services; Rental of memory area for communication network services; Consulting in connection with rental of memory area for communication network services
商標登録証

THE MARK (標準文字)

グーグル

第9類
第38類

出願番号 APPLICATION NUMBER
出願年月日 (FILING DATE)

平成20年 1月18日 (January 18, 2008)

特許庁長官 (COMMISSIONER, JAPAN PATENT OFFICE)
(CERTIFICATE OF TRADEMARK REGISTRATION)
(190) 日本国特許庁 (JP)

商標公告 (511) 第9類

(511)

(560)

(511) 第9類

(190) 日本国特許庁 (JP)
Exhibit B

.グーグル TLD Registration Policies

Mission

The mission of the proposed gTLD, .グーグル, is to make the world’s information universally accessible and useful through the streamlined provision of Google services. The purpose of the proposed gTLD is to provide a dedicated Internet space in which Google can continue to innovate on its Internet offerings, and specifically reach an audience of Japanese-speaking Internet users. Registry Operator will also support IDNs at the second-level for the Japanese language within the proposed gTLD. The proposed gTLD will augment Google’s offerings through existing registries, provide Google with greater ability to categorize its present online locations around the world, and provide a more recognizable, branded, trusted web space to both the general Internet population and Google employees.

In addition, the .グーグル gTLD will clearly be differentiated from other gTLDs due to its purposefully limited scope. This differentiation includes:

1. A clear indicator that second-level domains within the gTLD offer a particular, targeted content; and

2. The ability for Registry Operator’s Affiliates to affix Google’s well-known brand to second-level domains, which will result in Internet users immediately knowing the source of the gTLD.

Registration Policies

Registry Operator believes that the .グーグル gTLD will best add value to the gTLD space by remaining completely closed for use by Google. Second-level domain names within the proposed gTLD are intended for registration by Registry Operator, its affiliates and its trademark licensees.

Google’s existing business and marketing decision-making channels will define policies and manage decisions, in accordance with the technical specifications in Registry Operator’s agreement with ICANN, regarding the reservation, activation, allocation, registration and DNS Records of all domain names within the TLD. Once a name considered for reservation, activation, and/or registration has been reviewed and deemed in compliance with internal rules and procedures, the name will be approved by authorized employees of Google and submitted for reservation, activation, and/or registration through an ICANN-accredited registrar in accordance with the Registry Agreement. The registration and use of domain names in the gTLD will also be shaped by Registry Operator’s:
(1) Abuse prevention policy (available at http://www.google.com/registry/policies/domainabuse/); and

If multiple parties affiliated with the Registry Operator express an interest in registering the same domain name, the designated personnel will make the decision regarding which party's registration and use of the domain name is a higher business priority.
Date XX/XX/2014
To BBVA Spain
From Name of empowered person

Subject: Release of liability of Guarantee No.

Maturity: April 1, 2014, registered in the Special Registry of warranties with no. 0182000774317

To whom it may concern:

I, Name of the person, acting in representation of BENEFICIARY (with its registered seat...

For this reasons we request you to cancel the above mentioned guarantee.

Sincerely,

Stamp and Signature of the company in Company’s letterhead.